

UNAPPROVED - DRAFT

BOARD OF DENTISTRY

MINUTES

SPECIAL CONFERENCE COMMITTEE "C" MEETING

TIME AND PLACE: Special Conference Committee "C" convened on May 11, 2007, at 10:15 a.m., at the Department of Health Professions, 6603 W. Broad Street, Richmond, Virginia.

APPROVAL OF MINUTES: Dr. Pirok moved to approve the Minutes of the Special Conference Committee "C" meeting held on March 23, 2007. The motion was seconded and passed.

FIRST CONFERENCE: 10:15 a.m.

PRESIDING: James D. Watkins, D.D.S.

MEMBERS PRESENT: Darryl J. Pirok, D.D.S.

MEMBERS RECUSED: Misty L. Sissom, R.D.H.

STAFF PRESENT: Sandra K. Reen, Executive Director
Alan Heaberlin, Deputy Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh C. Kiczales, Adjudication Specialist

QUORUM: With two members of the Committee present, a quorum was established.

**Carl W. McCrady, D.D.S.
Case No. 99592** Carl W. McCrady, D.D.S., did not appear to discuss allegations that he may have violated laws and regulations governing the practice of dentistry, in that, on April 28, 2003 and May 7, 2003, during treatment of Patient A, he determined that tooth #31 had a cracked filling and decay, but failed to obtain x-rays of the tooth prior to replacing the filling. On November 6, 2003, when Patient A returned to his office complaining of sensitivity and pain in tooth #31, a bite-wing x-ray was taken and revealed extensive, underlying decay on the medial occlusal side of tooth #31, at which time he informed Patient A she would need a root canal and crown. In May 2004, Patient A sought treatment from another dentist, who performed a root canal and delivered a crown. Due to continued problems with tooth #31, on August 18, 2005, tooth #31 was extracted due to calcification of the root.

The Committee received statements from Patient A.

Closed Meeting:

Dr. Pirok moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Carl W. McCrady, D.D.S. Additionally, Dr. Pirok moved that Board staff, Sandra Reen, Alan Heaberlin and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Pirok moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Ms. Kiczales read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. McCrady holds a current Virginia dental license;
2. Dr. McCrady violated § 54.1-2706(5) of the Code, in that, on April 28, 2003 and May 7, 2003, during treatment of Patient A, he determined that tooth #31 had a cracked filling and decay, but failed to obtain x-rays of the tooth prior to replacing the filling. On November 6, 2003, when Patient A returned to his office complaining of sensitivity and pain in tooth #31, a bite-wing x-ray was taken and revealed extensive, underlying decay on the medial occlusal side of tooth #31, at which time he informed Patient A she would need a root canal and crown. In May 2004, Patient A sought treatment from another dentist, who performed a root canal and delivered a crown. Due to continued problems with tooth #31, on August 18, 2005, tooth #31 was extracted due to calcification of the root.

The sanctions reported by Ms. Kiczales were that Dr.

McCrary be assessed a \$1,000 monetary penalty, and be required to complete four (4) continuing education hours in recordkeeping and seven (7) continuing education hours in diagnosis and treatment planning.

Dr. Pirok moved that the Committee adopt the Findings of Fact and Conclusions of Law, and sanctions imposed as reported by Ms. Kiczales. The motion was seconded and passed.

Reconvene:

The Committee reconvened to reconsider the sanctions imposed. Dr. Pirok moved to strike the \$1,000 monetary penalty. The motion was seconded and passed.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. McCrary unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. McCrary. If service of the order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Committee shall be vacated.

SECOND CONFERENCE:

11:00 a.m.

PRESIDING:

James D. Watkins, D.D.S.

MEMBERS PRESENT:

Darryl J. Pirok, D.D.S.
Misty L. Sissom, R.D.L.

STAFF PRESENT:

Sandra K. Reen, Executive Director
Alan Heaberlin, Deputy Executive Director
Cheri Emma-Leigh, Operations Manager
Leigh Kiczales, Adjudication Specialist

QUORUM:

All three members of the Committee were present.

**Haywood L. Pearson,
D.D.S.
Case No. 108991**

Haywood L. Pearson, D.D.S., appeared without counsel, to discuss his reinstatement application for licensure to practice dentistry in Virginia and allegations that he may have violated laws and regulations governing the practice of dentistry, in that:

1. He may not be competent to practice dentistry with safety to his patients and the public having not engaged in the practice of dentistry since 2000.
2. His continuing education credits submitted with his application were obtained through internet self-study courses and did not include any clinical courses. Further, fifty-nine (59) of the sixty-seven (67) hours of continuing education hours submitted were earned during a two-day period.
3. On or about February 20, 2002, Dr. Pearson was convicted of a felony in the Circuit Court of the City of Petersburg, Virginia, for practicing dentistry without a valid license.
4. Although he responded "yes" to Question II (h) of the application, which reads: "Have you ever been convicted of a violation of or pled Nolo Contender to any federal, state or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor", Dr. Pearson failed to disclose his 2002 felony conviction by either providing details of the conviction or including a copy of the court's disposition record, as required.
5. Dr. Pearson provided false information on his application by answering "No" to Question II (k) which reads: "Have you ever had any of the following disciplinary actions taken against your license to practice dentistry, your DEA permit, Medicare, Medicaid or any such actions pending; suspension/revocation, or probation, or reprimand/cease and desist or monitoring or practice, or limitation placed on scheduled drugs? If yes, give details, jurisdiction(s) and date(s) on a separate page." Specifically, Dr. Pearson had the following disciplinary actions taken against your license in Virginia:
 - a. License suspended on November 14, 1989;
 - b. License revoked on September 21, 1990;
 - c. License reinstated on indefinite probation on September 24, 1994; and
 - d. License continued on probation on February 9, 1999.
6. On March 2, 1997, Dr. Pearson was excluded from participation in any federal health care programs

(Medicare/Medicaid) as a result of his failure to re-pay his health education loans. By his own admission, he continued to treat Medicaid/Medicare recipients from on or about August 12, 1997 to November 19, 1999, and according to the Department of Medical Assistance Services, received payments for those services totaling \$3,344.21. Further, he failed to disclose this information on his application, as outlined in allegation #5, above.

7. During February 2001, Dr. Pearson failed to cooperate with the Board's investigation of Case Nos. 78482 and 78703. Specifically, he failed to respond to the investigator's request for an interview, and for copies of requested patient dental records and that she referred the patient to another provider.

The Committee received Dr. Pearson's statements and discussed the evidence in the case with him.

Closed Meeting:

Dr. Pirok moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Haywood L. Pearson, D.D.S. Additionally, Dr. Pirok moved that Board staff, Sandra Reen, Alan Heaberlin and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Leigh Kiczales, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Pirok moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

Decision:

Ms. Kiczales read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Pearson violated § 54.1-2706(8) and (9) of the Code,

and 18 VAC 60-20-20.C(3) of the Regulations, in that, he may not be competent to practice dentistry with safety to his patients and the public having not engaged in the practice of dentistry since 2000 and his continuing education credits submitted with his application were obtained through internet self-study courses and did not include any clinical courses which demonstrated his clinical competency.

2. Dr. Pearson violated § 54.1-2706(2) and § 54.1-2709.A of the Code, in that, on or about February 20, 2002, Dr. Pearson was convicted of a felony in the Circuit Court of the City of Petersburg, Virginia, for practicing dentistry without a valid license.
3. Dr. Pearson violated § 54.1-2706(1) and (9) of the Code, in that, although he responded “yes” to Question II (h) of the application, which reads: “Have you ever been convicted of a violation of or pled Nolo Contender to any federal, state or local statute, regulation or ordinance, or entered into any plea bargaining relating to a felony or misdemeanor”, he failed to disclose his 2002 felony conviction by either providing details of the conviction or including a copy of the court's disposition record, as required.
4. Dr. Pearson violated § 54.1-2706(1) of the Code, in that, he provided false information on his application by answering “No” to Question II (k) which reads: “Have you ever had any of the following disciplinary actions taken against your license to practice dentistry, your DEA permit, Medicare, Medicaid or any such actions pending; suspension/revocation, or probation, or reprimand/cease and desist or monitoring or practice, or limitation placed on scheduled drugs? If yes, give details, jurisdiction(s) and date(s) on a separate page.” Specifically, Dr. Pearson had the following disciplinary actions taken against your license in Virginia:
 - e. License suspended on November 14, 1989;
 - f. License revoked on September 21, 1990;
 - g. License reinstated on indefinite probation on September 24, 1994; and
 - h. License continued on probation on February 9, 1999.
6. Dr. Pearson violated § 54.1-2706(1) and (4) of the

Code, and 18 VAC 60-20-170(1) of the Regulations, in that, on March 2, 1997, he was excluded from participation in any federal health care programs (Medicare/Medicaid) as a result of his failure to re-pay his health education loans. By his own admission, he continued to treat Medicaid/Medicare recipients from on or about August 12, 1997 to November 19, 1999, and according to the Department of Medical Assistance Services, received payments for those services totaling \$3,344.21. Further, he failed to disclose this information on his application, as outlined in Finding of Fact #5, above.

Ms. Kiczales reported that it is the decision of the Committee to deny Dr. Pearson's reinstatement application to practice dentistry in Virginia.

Dr. Pirok moved that the Committee adopt the Findings of Fact and Conclusions of Law, and that an Order be entered denying Dr. Pearson's reinstatement application to practice dentistry in Virginia. The motion was seconded and passed.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 12:20 p.m.

James D. Watkins, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date